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### Mr. Cleveland and the Perrine Claim.

It is possible that the last days of Mr. CLEVELAND'S last term will be marked, if not by a personal scandal of disturbing character, at least by the shadow of a scandal like unto those which clouded Washington and the Republican record during the period between 1869 and 1877.

On Monday next the Senate Committee on Public Lands will begin an investigation of the circumstances under which the Department of the Interior has recently issued to the PERRINE heirs a patent covering about twenty-three acres of Florida lands, said to be valuable and to be occupied at present by settlers in good faith; the most conspicuous of the PERRINE heirs who were thus brought suddenly into possession of these lands being the step-father of the President's wife.

This PERRINE claim is nearly sixty years old. The original PERRINE was a New York botanist who procured from the Twenty fifth Congress in 1838 the grant of an enor mons tract of then arid land in the Seminole country, his plan being to attempt thereon the cultivation of various tropical plants and fruits. The condition of the grant was that every section of the territory thus acquired should be peopled by immigration within eight years. This Dr. HENRY PER-RINE was killed by the Indians about two years after the passage of the act of Congress, and the conditions as to settlement were not fulfilled. In 1841 his widow, ANN F. PERRINE, went to the Twenty-sixth Congress to ask for an exten sion of time. It is alleged that a few fami lies from the West Indian islands were induced to settle on the lands in question but they, too, were soon driven away by the Seminoles. In 1852, and at various times since, the PERRINE heirs have applied for a patent, and their venerable claim has been before Congress and the Department of the Interior; but that claim has never been confirmed by the Legislature, and no Secretary of the Interior, until now, has ventured to issue the patent.

It is said that especial pressure was brought to bear upon the Hon. HOKE SMITH when he was in charge of the Department of the Interior to induce him to befriend the PERRINE family by recommending the issue of the long desired patent; and that he declined to issue it for the extremely sensible reason that the family relations of the claimants with the White House would subject his action, if favorable, to unpleasant comment, if not to the charge of downright impropriety.

We are not at present examining the merits of the PERRINE claim. All of the facts about it are likely to come out now. As the case now stands, there does not seem to be any good reason, in the way of consideration rendered by the earlier PERRINES to the Government or to the general interests of mankind, why the actual settlers upon the extensive region in question should be turned out of houses and homes, and the property turned over to the PERRINES of the present generation including Mrs. CLEVE-LAND's stepfather. But if the equitable right miles of Florida lands was as clear as day light, it would be nevertheless a grave question whether Mr. CLEVELAND'S Administration, and Mr. CLEVELAND's Secretary of the Interior, and Mr. CLEVELAND's Land Commissioner, and Mr. CLEVELAND'S Assistant Attorney-General, could issue the patent which successive Administrations for more than half a century had declined to issue, without risking a scandal of serious magnitude.

On Monday, February 1, however, form weeks and two days before the end of Mr. CLEVELAND's term, the patent for the 28,000 acres went forth from the Interior Department to the clamorous PERRINES. It was issued by Land Commissioner Lawo. REAUX at the instance of Secretary FRANCIS. recently appointed by Mr. CLEVELAND to fill the Cabinet office made vacant by Secretary Hoke Smith's resignation; and the legal justification of the award was furnished by Assistant Attorney-General Liox-REBGER, also, we believe, a public officer of

very recent appointment. These public servants have been sum moned to appear on Monday before the Senate Committee on Public Lands. The investigation should be thorough and impartial; and it should not be prejudiced either by the circumstance, on the one hand, that the inquiry may not be agreeable to the White House, or by the dircumstance, on the other hand, that the rowdy TILLMAN of South Carolina is manifesting considerable interest in the business. It is an unfortunate affair, but it cannot be shirked.

Why should the antiquated and doubtful PERRINE land claim be jammed through in the last days of the CLEVELAND Administration, instead of being allowed to go over until after the fourth of March, to be disposed of according to its merits by a set of officials not appointed by Mr. CLEVELAND, and not in any respect under his influence? That was the course which propriety, delicacy, and even common decency prescribed under the circumstances.

## An Extraordinary Judicial Utterance.

At the general election in 1895 a considerable addition was made to the number of Supreme Court Justices in this State, under the provisions of the new Constitution. Among the Justices thus elected was WII-LIAM D. DICKEY of Newburgh, an active Republican politician, whose fitness for the position consisted chiefly in a creditable career as an officer of the Union army during the civil war, and his general obstreperousness as a member of the Constitutional Convention of 1894.

Although three Justices were chosen in the Second Judicial district, which includes Newburgh within its limits, Brooklyn, the principal city in the district, failed at that time to secure any representation on the Supreme Court bench, for DICKEY ran ahead of Hugo Hirsh of Brooklyn, a lawyer of more experience and ability. To make amends to Brooklyn, Justice Dickey has

the service of the State as the Justice's confidential clerk, and frequently occupies the bench with his father and aids him in the exercise of his patronage. The net Federal gain in compensation to the Justice and clerk by reason of this removal from New burgh to the borough of Brooklyn is several thousand dollars a year, payable out of the public treasury. But then Brooklyn has gained a Justice. There were some benighted people who supposed that a good Justice could readily have been found among the many able Republican lawyers of Kings county, without having to import one in this

manner. But it seems they were wrong. To illustrate the kind of a Justice that Brooklyn has thus acquired, we would call attention to an extract from the charge of Mr. Justice DICKEY to the jury in the case of JAMES MCGRANE against the Flush ing and College Point Electric Railway Company, which was tried some time ago a Long Island City.

The learned Justice began by saying:

"GENTLEMEN OF THE JUNY: The fact that I send this case to you for decision instead of taking it away from you is not to be interpreted by you as meaning that I consider that the plaintiff is entitled to recover. t means merely that I have such reliance upon jurie that I am sending it to you to determine as a question of fact instead of deciding it myself, and taking it way from you.'

It would be difficult to find a clearer ex ample of judicial ignorance than is furnished by the second sentence of this charge A Justice who supposes that the question whether the issues of fact in a jury case shall be left to the jury or not depends upon his confidence or lack of confidence in juries or his "reliance upon juries," as he puts it—should take a course of lectures in a law school without delay.

#### Texas and Trusts.

For the benefit of a number of calm and thoughtful persons in this State, who are giving their waking hours and the best dreams of their sleep to the subject of trusts and the enormity of the same, we have imported from Austin, Tex., a copy of a de erving pamphlet, entitled "General Laws of the State of Texas, Passed at the Regular Session of the Twenty-fourth Legislature Convened at the City of Austin, January 8 1895, and Adjourned April 80, 1895. Frusts roused the wrath of Texas be fore they felt New York rising at them. Texas is a larger State than New York, and yet it has less business; and wherever busi ness is slack there is an opportunity for men of powerful minds to come forward and in sist that prosperous forms of business are an injury to the community, and should be restrained until they have ceased to be pros perous. The year 1895 was nowhere a year n which paper or even silver was found in large quantities outside of Populist plat forms. Consequently the year 1895 was just the year in which a Legislature of Texas economists would struggle to repeal the law of supply and demand, and to 'brand" as monopolists and octopuses persons guilty or suspected of being guilty of doing a good business. At this point we import the fuzzy gray oracle hereinbefore

And at this moment, the moon being favorable, is opened, for the first time in New York, "an act to define trusts and to provide for penalties and punishment of orporations, persons, firms, and associations of persons connected with them." A formidable title, but worthy of Texas and the subject. Nothing is better ascertained in the new political economy than that all corporations, persons, firms, and associations guilty of making money ought to be punished; and it is a truth accepted in Texas no less than in Georgia that a trust, whether prosperous or not, is the sum of all villainies. And what is this monster of so frightful mien? See "General Laws of Texas," p. 118:

" A trust is a combination of capital, skill, or acts by two or more persons, firms, corporations, or asso-ciations of persons, or either two or more of them. er, any, or all ' of certain purposes. Among these forbidden purposes is the purpose 'to increas or reduce the price of merchandise, produce, or con

The Georgia law against trusts seems to be founded upon this interesting provision. which is getting imitated by the Legislatures of all appreciative States. Texas said, be fore Georgia had the honor to say, that as a trust was a thing abhorred, it was just as bad for it to put prices down as to put them up. In fact, a trust which seems to benefit the consumer by reducing the price of its product, is considered by all good judges to be the worst trust of all, a trust which saps the morals of the people and leads them to give up that holy hate of trusts which is the noblest characteristic of many exalted minds in Texas, Georgia, New York, and Oklahoma

Let the full enormity of trusts be undertood here and now by everybody, in or out of Texas. To "reduce the price of merchandise, produce, or commodities" is an act which the Texas act to define trusts, or any other good statute for the same purpose, forbids with pains and penalties. It is not necessary to bother about the consumer. It is absolutely necessary to have a proper shomination of trusts, especially if you are a lawgiver.

But even in Texas the rigidity of Populist political economy is allowed to bend to great occasions. There are kinds of trusts which the lawgiver will respect. There are combinations to increase the price of commodities which the lawgiver will encourage. Section twelve of this act in restraint of trusts provides that "this act shall not be held to apply to livestock and agricultura products in the hands of the producer of raiser; nor shall it be understood or construed to prevent the organization of laborers for the purpose of maintaining any standard of wages." There can be a trust of farmers and cattlemen; there can be a trust of laborers. These privileged persons can combine to put up the prices of what they have to sell. The producers or sellers of other commodities will get into trouble if they enter into any such combination. For the benefit of trust-trackers in this State or anywhere else, be here repeated the olemn prohibitions of the collective wisdom of Texas against combinations not for the purpose of increasing the price of agricultural products or livestock or labor:

"If any person shall be or may become engaged in any combination of capital, skill, or acts by two more persons, firms, corporations, or associations of persons, or of either two or more of them, for either any, or all of the following purposes:

" 1. To create or carry out restrictions in trade of ommerce or aids to commerce, or to create or carry ut restrictions in the full and free pursuit of any usiness authorized or permitted by the laws of this commerce or aids to con "v. To increase or reduce the price of merchandise

oduce, or commodities.
"S. To prevent competition in manufacture, making, transportation, sale, or purchase of more produce, or commodities, or to prevent competition

fix at any standard or figure, whereby its price to the public shall be in any manner controlled or established, any article or commodity of merchan-dise, produce, or commerce intended for sale, use, or

b. To make, or enter into, or execute, or carry out any contract, obligation, or agreement of any kind or description, by which they shall bind or have bound amends to Brooklyn, Justice Dickey has themselves not to sell, dispose of, or transport any moved to that city with his son, who is in article or commedity, or article of trada see, mer

shandise, commerce, or consumption, below a com-mon standard figure, or by which they shall agree in any manner to keep the price of such article, commodity, or transportation at a fixed or graduated figure, or by which they shall in any manner estab ish or settle the price of any article or com or transportation, between them or themselves and thers, to preclude a free and unrestricted competi hemselves and others in the sale of any such article or commodity or by which they shall agree to pool, combine or unite any interest they may have in connec-tion with the sale or transportation of any such article or commodity that its prices may in any manner be affected; or aid or advise in the creation or carrying out of any such combination, or who shall as principal, manager, director, agent, servant, or employee, or in any other capacity, knowingly carry out any of the stipulations, purposes, prices, rates, directions, conditions, or orders of such com-binations shall be punished by fine of not less than fifty nor more than five thousand dollars, and by imprisonment in the penitentiary not less than one no more than ten years, or by either such fine or in telon shall constitute a separate offense."

And for the benefit of the world in gen eral and in exhibition of the just and equal spirit of the legislation against those trusts which are thought not to have a majority of votes, this exception to the Texas act to define trusts is once more offered to a discriminating public:

"The provisions hereof shall be held cumulative of each other and of all other laws in any way affecting them now in force in this State: Provided, this act shall not be held to apply to tivestock and arricultural products in the hands of the producer or raiser, nor shall it be understood or construed to prevent th isation of laborers for the purpose of maintain

It is with extreme diffidence that we venture to make a suggestion to a select assembly of the wise and good, but might not the present Legislature of Texas improve in one not vital but interesting point this notable anti-trust law of 1895 ! Ought not the agriculturists, livestock producers, and laborers of Texas to be forbidden by law to "reduce the price of merchandise. produce, or commodities ?" No doubt it is very well to permit them to put up such price, but would it not be still better to prohibit them from putting such price lown ! A Texas Legislature cannot be too careful. Wisdom must be justified of all the children he may have in Texas.

#### The Mugwump Heart.

If there is a stupid thing to be said, if riews unrepresentative of true American sentiment are wanted, there is no man who can be relied upon more surely to fill the bill than the very respectable, deplorably dull, and utterly unimaginative and unsympathetic Mr. EVERETT P. WHEELER.

Evidently the Quill Club felt the need of repressing hilarious optimism at its dinner on Tuesday evening, for it called in Brother WHEELER. The Quill Club, we believe, is an association of gentlemen of real and imaginary intellectual discernment, and like all clubs of such pretensions it is probably afflicted with some Mugwumpery. Hence Brother WHEELER was brought in to put a damper on the cheerfulness of its dinner on Tuesday evening.

He did the damping in this wise, in the speech he made at the close of the feast, his subject being the "protection of American citizens abroad ":

"The subject is an important and difficult one. We have not in many respects got back to the condi-tion we were in prior to 1861. The war seems to certain lassitude and lack of patriotism among the people. We seem to have got a little tired of war. The American heart, it seems to me is slow to respond, and is somewhat indifferent to the treatment spond, and is somewhat indifferent to the treatment tude and lack of patriotism am of the American citizen abroad."

Of course, "we have not got back to the condition we were in prior to 1861," and, thank heaven! we shall not, and we cannot get back there; back to slavery and the exploded and subdued doctrine of the right of secession. What "reaction" has the war produced, Brother WHEELER? Reaction to what? This country has grown enormously in population and wealth since 1861. It is a vastly stronger country.

"Lassitude and lack of patriotism among one people ?" Where do you find them ! You will find them, of course, among your fellow Mugwumps, but they are nowhere else. The fervor of patriotism was never before so great among the American people as it is to-day. tv. make th pealing to it, and you will find that for the first time you touch American sentiment and represent it. Instead of being a tiresome croaker, try for once to be spontaneous, discard artificiality, and express some real and vital feeling, and you will be surprised. everybody will be surprised, to see how nuch you are getting into sympathy with the people. We are no more tired of war now than we have been at any time be fore. Of course, the American people do not want war. They have never wanted it for the fun of fighting; but they are not afraid of it. They are a people among whom the martial spirit is pervasive, and it was never stronger than it is now. It is not the cockney "jingo" spirit about which the pusillanimous Mugwumps talk so much, for we are not an aggressive people. We mind our own business. We are not grabbing after territory or seeking to aggrandize ourselves by browbeat ing the weak and defenceless; but the knowledge of arms and military drill was never so widepread among the people as now. Schools and colleges have military instructors, even the religious schools; and in due time Congress will pass a law setting apart commissioned and non-commissioned officers to be detailed as such instructors for

the millions of boys in the public schools. A vast deal more than you know of is happening here, Brother WHEELER. The American heart is beating normally, however slow and cold may be your own. For instance, it beats in warm sympathy with the suffering Cubans, struggling to throw off the brutal and barbarous Spanish yoke, though your own heart is unaffected by the outrages committed against that brave people at our very doors. The American neart is not indifferent to the injury inflicted on Americans and American interests by Spain's atrocious war upon Cuba. It is hot with indignation and resentment.

Mr. WHEELER would have us interfere in behalf of the far-away Armenians against Turkish savagery, with which only Christian Europe can deal effectively; but he is indifferent to the destruction of Cuba, an American island close by our shores. The only reaction in this country is that of which he himself is the foremost representative.

# A Last Chance for Congress.

Only a fortnight remains of the session of Congress, and still nothing is on record to show how its members now regard the struggle in Cuba.

Is it consideration for Spain that prompts this delay? Surely the history of her dealings with America does not call for such consideration. She has alienated one after another of her colonies in this hemisphere, until only Cuba and Porto Rico are left. If Congress should acknowledge that Cuba has now, in her turn, achieved independence, what would this be but following the uniform course of history?

The real question for Congress is whether it will see two years of war prolonged perhaps to ten, as in the former contest. Mr.

CLEVELAND and Mr. OLNEY rivalled each | THE RAID ON CAPITAL AND INother last December in depicting the devastation which the struggle had already wrought. The former told Congress that both parties were acting on the theory that the exigencies of the contest require the wholesale annihilation of property;" that the industrial value of the island, without a speedy change, would "soon disappear altogether;" that as to its restoration, in that case, "it is extremely doubtful if capital can be induced even to make the attempt." Thus we had "the spectacle of the utter ruin of an adjoining country, by nature one of the most charming and fertile in the

Mr. CLEVELAND went further. He declared that the conduct of Spain in the war which began with the rising at Yara in 1868, had been such as to test the forbear ance of the United States, "the most pa cific of powers," and that no other great country " would have manifested the same restraint and the same patient endurance." In like manner the Gov. ernment and the people of the United States saw that "conceded grievances had led to the present revolt." The proximity of Cuba, "hardly separated from our territory," our investments there, from \$80,000, 000 to \$50,000,000, and our annual trade with the island, amounting to about \$108, 000,000 in 1893 and to nearly \$98,000,000 the following year, have all caused us to have 'inextricable entanglements with the rebellion," so long going on.

What could the ordinary reader of such statements suppose that they led up to ! Would be be surprised to find Mr. CLEVE-LAND announcing that he had concluded to act on the resolution almost unanimously adopted by Congress last year. "That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba !" Mr. CLEVELAND himself says that there is reason to believe that " the insurgents have gained in point of numbers and character and resources, and are none the less inflexible in their resolve not to succumb without practically securing the great objects for which they took up arms." Yet, after all this prelude, he proposes not to acknowledge the independence, or even the belligerency, of the patriots, but to negotiate with Madrid for bringing them back under the detested voke of Spain. And in these last days of its existence Con-

gress sees what that policy has amounted to. Secretary OLNEY, in his report to the President, had stated as strongly the ruin brought upon Cuba. "The only apparent aim on either side is to cripple the adversary by indiscriminate destruction of all that by any chance may benefit him. The principles of civilized warfare are only too often violated with impunity by irresponsible subordinates. The killing and summary execution of non-combatants is frequently reported. In some instances American citizens have fallen victims to these savage acts. The representatives of the Spanish power often find it easily practicable to postpone explanations and reparation." These are statements culled from the Secretary's report. He added that a large part of American investments had been exposed to loss, and many American citizens had been impoverished by the orders of Spanish commanders driving them from the fields into the towns. In a single provincial city were 400 such Americans, "whose employment and resources have been swept away by eighteen months of civil strife."

And yet Mr. OLNEY's impotent conclusion is that of waiting to see whether Spain would grant to Cuba home rule.

If the Fifty-fourth Congress wishes to go on record as doing its duty toward these struggling patriots, it must act forthwith. It has waited ten weeks for the development of Mr. CLEVELAND's policy, only to find it a confessed failure, the so-called concessions of Spain being a mockery, indignantly rejected by the patriots. Cuba is determined never to go back under the Spanish yoke. Will the Fifty-fourth Congress acknowledge her independence, or

## No Hurry About the Treaty.

Senator SHERMAN will endeavor to get a vote to-day on the proposed general arbitration treaty with England.

It is natural that he should desire to have this matter disposed of, one way or the other, before taking charge of the Department of State under the new Administra tion. Perhaps, also, he feels it to be a courtesy to the present Secretary to secure action on this agreement before March 4. Certain it is that the treaty has been

greatly improved by the amendments of the Senate Foreign Committee, and little else seems to be suggested now in the way of emendation. In that view there may be he less reason for delaying the vote.

Still, the indications are that many speeches on the treaty have been carefully repared, and are yet to be delivered. This affair, too, has shown most remarkably that in the multitude of counsellors there is safety, so that a reluctance is naturally felt about closing the debate while it may yield new and valuable suggestions. England, too, will await our pleasure, feeling already, perhaps, a freer hand in dealing with her European complications, from her prospective neutralization of the great republic of the West. Above all, the Senate is to pass immediately from the old session to the new one.

No unusual time has been devoted to examining this treaty. The Clayton-Bulwer treaty is an example of an agreement with England which was too inconsiderately ratified. There is no hurry about dealing finally with the present one.

Demolish the trusts -- Cleveland Leader

Let's demolish everything. Let's demolish partnerships, patents, profits, and progress, Let's resolve anew that life is vanity and return to the cave of our ancestors. "What's the good of anything?" said the skeptic. "Nothing! said the sage.

#### Wages Go Down with Trusts, TO THE EDITOR OF THE SUN-Sir: The head-

lines of a Harrisburg, Pa., despatch in to-day's Sun read as follows:

"Poor. Dissolven: Wages Cut.
"A 10 Per Cent. Reduction at the Works of the Pens
sylvania Steel Company."

The telegram underneath this heading reports that the Pennsylvania Steel Company was compelled to make a reduction in wages "in order to meet the fall in the price of rails brought about by the collapse of the Steel Rail Pool." Similar notices of a reduction in wages, following the disruption of the Steel Rail Pool, have been posted at the Cambria Iron Works in ohnstown and at the Edgar Thomson Works of the Carnegie Company. So it appears that wages were higher when the so-called Steel Rail Trust was in existence than they are now after the trust has been dissolved. A little sunshine on this subject is now in order.

NEW YORK, Feb. 15. JOHN A. SLEICHER

Blomarck's Rival in the Future From the Scottish Review.

It is doubtful if 100 years hence any living statesman excepting Bismarck will be the subject of so much discussion as Albertus. FERTMENTS.

There has been no subject of popular discusion within a decade in respect of which there has been such a comprehensive and victous effort to deceive the public as that now manifested in the agitation for cheaper gas in this city. This agitation is a natural incident of a general Populist menace to law and property in the State and city, and in so far as it as gas industry it is fitting that the facts should be set forth clearly in the general public i terest. This we do in a natural sequence, in the form of question and answer:

Q .- Is there any popular demand in this city for a reduction in the price of gas? A .- None. Q .- Is there any complaint about the quality of gas furnished? A .- None.

Q.—Has there been any organization of citisens formed, public meetings held, or petitions signed in support of these so-called reforms

Q.-Who, then, is making all the talk about the matter? A .- Two sensational newspapers Q.-What is their object? A.-To advertise

Q .- Have they any other reason? A .- They are hostile at all times to corporate interests and their fundamental doctrines are those of envy, turbulence, and anarchy. They hold that the frugal, the industrious, and the prudent should divide their savings with the lazy, the improvident, and the vile; and they assume to believe that the Legislature of New York is a ignorant as that of Kansas and as infamous as

Q .- What is the legal price of gas in this city ! .-One dollar and twenty-five cents per thousand cubic feet.

Q.-Does it sell for less elsewhere? A.-It sells for \$1 in Philadelphia, Chicago, and some other cities. Q .- Why does it sell for more here? A .- Because the gas here is better and costs more to

nanufacture and distribute. O.-Give details. A .- The candle nower le gally required here for gas is twenty. The gas actually furnished varies between twenty-six and thirty-four candle power. The gas is far below this grade in Philadelphia and the other cheap gas cities. In Philadelphia it has only nineteen candle power. It is a little higher in Chicago, but varies greatly there, and is not so good as in New York. The esme is true of Boston.

Q.-Give more details. A.-In Philadelphia most of the gas is made by the cheap and oldfashioned method of extraction from bituminous coal. In New York the expensive naphtha process is used. In Philadelphia the gas properties are owned by the city and are free fron taxation; they derive a large income from the sale of coke and the other by-products obtained in the manufacture of the gas, which income at times has been larger than that from the sale of the gas itself. In Chicago the naphtha process prevails to a great extent, but the oil used in it s of a low grade, which costs, on the average, two cents a gallon less than that used in Nev York and Brooklyn, and produces a dim, yel-

Q .- Is there any other reason why gas costs re here? A .- In Philadelphia and the other "dollar gas" cities there is no active compe tition, as here, involving increased expense and impeding the collection of debts; neither is there here any legislative or municipal contract fix

ing permanently the price of gas. Q .- How does competition impede the collection of the debts of a gas company? A.-The only security a company has for the payment of its bills is a deposit made in advance by the customer or a threat to stop the supply of the unpaid-for article. Under the rivalry of competing companies both these forms of security disappear. In Philadelphia, where there is only one gas company practically, an unpaid gas bill is a lien on the building if the user does not pay. Similar laws prevail in other cheap gas cities, and the various municipal councils by contracts and by continuous refusals to grant charters to new companies, afford tection to the existing companies as well as a low price to the consumer. Q .- Are the bad debts of the gas companie

large? A .- About \$500,000 a year. Q .- Why cannot this city and Brooklyn own and maintain their own gas plants? A .- The debt limit of the cities fixed by the Constitution prohibits it. New York is within \$50,000,000 of this debt limit, and bonds issued for the purchase of a gas plant would prohibit necessary

and contemplated public improvements for a

which is up to its debt limit practically, the eition is wholly ridiculous. Q.-Is municipal ownership of gas desirable ship of gas plants is a socialistic experiment which has attained some success in one or two cumstances from those prevailing here. Whereever attempted in this country it has resulted in poor gas, jobbery, and scandal. Every intelligent Philadelphian admits that the munici-

pal ownership of gas in his city has been a publie misfortune. Q .- How does it cost more to distribute gas in New York than in other cities? A .- Such is the heavy traffic in our streets that the companies are compelled to lay two pipes in the principal horoughfares, one on each side of the street, so that when repairs are necessary the street need not be wholly closed. Labor costs more in New York and salaries here are very much higher than elsewhere; real estate here is more valuable, and it costs more here to lay mains and put up buildings.

Q .- What, then, is the profit in gas making in New York as compared with other cities? A .-Experts who are experts say that there is more money in dollar gas in Philadelphia or Chicago than in dollar-and-a-quarter gas in this city.

Q .- It has been charged that the companies here have formed a combination to oppress conumers. A.-This is not so. An agreement has been made to abate certain forms of competition which did not pay. These were inducements in gas stoves, &c. The price of gas to fixed by law and cannot be raised. The agreement also attempts a division of territory amon the companies. This is a good thing, as it will stop tearing up the etreets of the city. A division of territory among the gas companies ought to be enforced by law, if it cannot other Q .- Is there any basis for the accusation that

the gas companies regulate the meters and charges to suit themselves? A .- Such state ments are not made by intelligent or respectable Q .- It is said that the gas companies are pay

ing enormous dividends on their stock. A .-This is not so. The dividend rate of the companies varies between 6 and 8 per cent,-no higher than that of any successful and estab lished business. It is for the city's interest that the people who furnish gas to it shall do so upon substantial basis, and shall have no reason to scamp" the quality of the gas which they furnish. Neither should the manufacture and distribution of an explosive material be left to in experienced or ill-paid men. Q .- It is said that the stock of the gas com-

panies is largely "water." A .- This is not so The total amount of money represented by the stocks and bonds of the companies is to-day \$68,985,718. The real estate alone owned by these companies is rated, on a 50 per cent. valuation by the Tax Commissioners, at \$18,-761,475. This would make a minimum valuation of their real estate property of over \$37,000,000, and to this should be added the value of three-fourths of the real estate of the East River Company, located in Queens county, and of its costly tunnel, which may be conservatively placed at \$6,000,000. Good pinion is that the real estate part of the plant of the gas companies represents in intrinsic value and in expenditures made for experiments and improvements not less than \$40,000,000.

This leaves outstanding in the securities a very small valuation for the personal property, machinery, working capital, and good will of so extensive a business. The Consolidated Company alone, in its estimate of its property for purposes of taxation, puts its personalty at \$5,000,000. The stock of the gas companies in New York has been issued, in fact, to an amount far below the actual value of the properties. Besides, there is some reason for believing that capital invested in New York old enjoy at least as good a return as it

owned by the gas companies has, of course, shared in the natural increase in the value of all property in this city; but to deprive the companies of this increased value by a reduction in the price of gas to an unprofitable figure would be to enact a prin-

ciple of confiscation imperiling every vested in terest and property right in New Fork State. Q.—It is said that the owners of these stocks and bonds are mostly millionaires. A.—It is not a crime to own property. Even million-aires have rights that the public are bound to respect; but, in fact, the stock of the gas com anies of this city is divided to a greater extent into small holdings than that of all other corporations. The average holding is less than one hundred shares.

Q .- What does this indicate? A .- That the stock of the companies is owned not specuatively, but for permanent investment, by people of small means who have placed their conservatism of law in New York State.

Q.-What, then, would a large reduction i the price of gas mean in this city? A .- The production of greatly inferior gas, loss to thou sands of investors, and suffering to thousands of employees.

Q .- Would there be desirable things to accou plish? A. They might be likened to the failare and complete loss of deposits of several of our largest savings banks.

Q .- Is there any reason to hope for a reduction in the price of gas in this city? A .- There is. Q .- What is it? A .- The consumption of gas in a large and growing city like New York nat urally increases from year to year, and this increase would be augmented by a small reduc tion in the seiling price of gas.

Q .- Why would it not be proportionately aug mented by a large reduction? A .- Because the consumption of cas could not be arbitrarily in ed beyond a certain degree.

Q .- What, then, would be a just way in which to reduce the price of gas? A .- By a gradua increase in consumption.

Q .- Is not this the only absolutely fair way of reducing the price of gas? A .- It is absolutely

## As Odd Critisium Answered.

To THE EDITOR OF THE BUY-Str: In an editorial ar icle in Twn Sus of to-day, under the caption, "The south in the Cabinet," there occur these words: "La

Is it not known to THE SUN that Justice Lamar was born on the old Lamar homestead in Putnam county Ga.; that he was educated in Georgia; that he was ap that Mississippl's sole claim to him is based upon the fact that his wife (second I shink) was a resident o of the Lamar family, the remains of Justice Lamas were removed from Rose Hill Cemetery in Macon Ga., to Mississippi at the instigation of his wife's fan

Yes, Mr. Lamar was born in Georgia, and lived part of his earlier life in Georgia, serving one year in the Georgia Legislature; but it is hardly accurate to say that "Mississippi's sole claim to him is based upon the fact that his wife was a resident of that State." From 1854 to his death his State was Mississippi. His until the beginning of the war he represented Mississippi district in Congress. He served in the Confederate army as the Colonel of a Miselasippi regiment. After the war he was for years a professor in the University of Mississippi. In 1872 he went back to Congress from Mississippi. In 1877 he entered the United States Senate as one of Mississippi's two Senators. He was reflected in 1883; he was a Senstor from Mississippi when he went into Cleveland's first Cabinet in 1885; he went to the each of the United States Supreme Court in 1888, still credited to Mississippi. Considering these circumstances, and notwithstanding the protest of his Georgia namesake, it seems quite right to speak of the Hon. Lucius Quintus Cindnnatus Lamar as of Mississippi.

### The Peciling of Americans

TO THE EDITOR OF THE SUN-Sir : Your fearrings true. It makes the blood of good Ameri cans tingle. The thanks of the community are your due. Quondam foreigners who do not ap reciate their position here are not needed. They are not obliged to stay. WORCESTER, Mass., Feb. 15.

# War Preparations in Germany.

BERLIN, Feb. 6.—The general staff is making demand on the Government for the construct tion of five new short railway lines to complete its plans of concentration in Alsace-Lorraine The first is a single line from Woerth to Lembach; the second, from Bischwiller to Oberhofen, provisionally a single, but later to b converted into a double line; the third is a single line from Lautenburg to Wissemburg: the fourth a double line from Busendorf to Dillinren, and the fifth a line of local importance from Bolswiller to Ensisheim and Colmar. On he completion of these roads the movement of troops from the interior of Germany to the French frontier would be so accelerated that four hundred trains, each carrying a thousand men or their equivalent in horses, guns, and equipment, could be run to the detraining stations along the front of formation in twenty-four hours. These detraining staions are connected by a continuous of rail beginning with Thionville or Diedenhofen close to the Luxembourg boundary in the north, running through Metz on to Saarburg, Saverne or Zabern, and Strasburg, and ending at Mulhausen in the south. This represents a continuous line of formation 200 kilometres long, which would be occupied by troops and garnished with artillery twenty-four hours after the order for concentration was issued. It covers the whole extent of the Franco-German There are seventy detraining stations west of Zabern and thirty-five in Alsace. Some of these are on the Zabern-Molsheim-Schlestadt line, on which ten double main lines of rail in excellent condition terminate. Studies are being made to see if it is not possible to raise the number of trains that could be run in on these lines to 500 in the first day of the concentration. At the general staff they say grimly that they intend to take the French in bed at Toul.

#### The Protection Movement in the South. From the Atlanta Constitution

Among the resolutions passed at the mass meeting f Sea Island cotton planters at Blacksheer was petition to Congress asking for a duty of 5 cents a pound on Egyptian and other foreign-grown long staple cotton, and also one requesting Representatives and Senators in Congress to employ their influence to that end. In spite of the increased production here and the reduction in prices, the importations of Egyptian long staple have quadrupled during the last half dozen years. Our planters here cannot compete with the Egyptian growers under any conditions except those that will lend to place the cost of production and transportation in the two countries on a level. This can only be done by a duty that will make good the difference between the cost of labor here and labor in Europe.

From the Atlanta Journal. Georgia is clamoring at the Ways and Means Committee doors as lustily as Oblo or Pennsylvania. Protection is being asked for Georgia's long staple cotton, for its iumber—the famous Georgia pin its marble, for its iron and coal, for its rice, and last,

but not least, for its sheep.

Many suppose this protection movement to be con fined to a few manufacturers in the cities, but it has ramified the whole State, and the movement emraces at least five members and perhaps more of the delegation in Congress.

The Hon. Martin Amorous of Atlanta, the Vice President for Georgia of the National Association of umber Dealers, said this morning: "I am a protetionist, and I make no secret of the fact. The of the State of Georgia need protection, and I am as-sured that several of the Congressmen will vote for it. The Republicans have a great opportunity to show non-sectionalism by giving some measure of protection to Southern industries as to those of other sec tions, and there are thousands of Democrats who will watch with interest their actions. The future of the Republican party in the South is in the balance

#### Filial Affection in Georgia From the Oconee Enterprise.

Elder T. M. Foster was married to Misa Popte Thompson last Tucsday morning. The attendants were Mr. and Mrs. Ed Bishop, Miss Katle Foster, and Mr. Harry Bishop. It was an unusual thing, but quite ing, to see the daughter an attenda-inge of the father, as was the case here. er an attendant at the

MR. OLNEY'S WONDERFUL TREATY

to Proposes That the Federal Government Shall Allenate the Territory of a State, To THE EDITOR OF THE SUE-Sir: One of the donable features of the arbitration treaty is that which provides for the arbitra-The power to submit to arbitration implies the power to re-

linquish the subject of arbitration in case of an adverse finding, but the United States, in the words of Thomas Jefferson, "has no right to allenate an inch of territory of any State." This question came up during the Administration of Washington, upon the instructions to be given to Mr. Carmichael and Mr. Short, Com-

missioners to negotiate a treaty with Spain, involving among other things the boundary of Georgia. Mr. Jefferson gives this account of it in his " Ana," under date of March 11, 1792; I delivered to the President my report of instruc

tions for Carmichael and Short, on the subject of navigation, boundary, and commerce, and desired him to submit it to Hamilton. Hamilton made some just criticisms on different portions of it. But when I asserted that the United States had no right to alleaste an inch of territory of any State he attacked and denied the destrue. Here we were the attacked and denied the doctrine. See my report, his note, and my answer.

### Hamilton's note is as follows:

Is it true that the United States have no right to alienate an inch of the territory in question, except in the case of necessity, intimated in another place? Or will it be useful to avow the denial of the right? It is apprehended that the doctrine which restricts the alienation of territory to cases of extreme necessity is applicable rather to peopled territory the waste and uninhabited districts. Positions rest ing the right of the United States to accommode es which may arise ought ever to be ad ranced with great caution.

### Jefferson replied:

Jefferson replied:

The power to allemate the unpeopled territories of any flate is not among the enumerated powers given by the Constitution to the general Government, and if we may go out of that instrument and accommodate to extgencies which may arise, by allemating the unpeopled territory of a flate, we may accommodate ourselves a little more by allemating that which is peopled, and still a little more by selling the people themselves. A shade or two more in the degree of exigency is all that will be requisits, and of that degree we shall ourselves be the judges. However, may it not be hoped that these questions are forthat degree we shall ourselves be the judges. How-ever, may it not be hoped that these questions are for-ever laid to rest by the Tweifth Amendment, once made a part of the Constitution, declaring expressiv that "the powers not delegated to the United States by the Constitution are reserved to the States re-apectively?" And if the general Government has no power to allegate the territory of a State, is is to esistible an argument to deny the use of it on the

Washington and the members of his Cabinet seem to have agreed with Jefferson, for the revised instruction sent to the Commissioners say on this subject: The United States too have tree

their power to do it [relinquish the territory in dis-pute] by a new Constitution which guarantees every ate against the invasion of its territory. A disast war might, by necessity, supercede this stipulation, as necessity is above law, and oblige them to abandon a part of a State. But nothing short of this can justify r obtain such an abandonment. If, in 1792, our new Constitution had "irrerocably " put it out of the power of the United States to yield a part of Georgia to Spain, where

does Mr. Olney find his authority to yield any part of any State to Great Britain? Our Government then declared that it would yield only to stern necessity after a disastrous war, but this treaty proposes to open the door and abandon" our territory to arbitration. In 1840, the British Minister, Packenham,

notified Mr. Calhoun, Secretary of State under Tyler, that he was authorized to propose a lecision of the Oregon boundary question by arbitration, but Calboun declined, did not seem advisable to seek a new way as lung as there could be any hope of reaching the goal by the path already entered upon." Soon after, Packenham renewed the offer to Buchanan, Secretary under Polk; but Buchanan replied: "A single reason is conclusive to the President. This reason is that he does not believe the territorial rights of this nation to be proper subject for arbitration." In a previous letter on this subject I referred

o the case of the Northeastern boundary, in which Daniel Webster, then Secretary of State, refused to enter into a treaty to settle the longstanding disputes over that boundary until he had obtained the consent of Maine and Massachusetts, the States whose territories were afected by that boundary. He did not believe that the United States had the power to determine the boundary of a State without its consent. But the present treaty proposes to do this very thing. To be sure, it provides that where the question involved concerns a partieuar State or Territory of the United S shall be open to the President to appoint a judicial officer of such State or Territory to be one of the arbitrators." But the officer so apout of the President. He would not represent the State, and could not bind it by his action.
Moreover, he would be only one of the six arbi-

trators provided for. Suppose a question should arise as to the boundary between the State of New York and Canada. Under this treaty the rights of New York would be determined by arbitrators appointed by the Governments of the United States and Great Britain, and the State might find itself deprived of a part of its territory by a tribunal in which it was entirely unrepresented. One of the counts in the indictment framed against King George III., in the Declaration of Independence, was that "he has combined with others to subject us to a jurisdiction foreign to our Constitutions, and unacknowldged by our laws; giving his assent to their acts of pretended legislation." If the President and Senate ratify this treaty they will be guilty

of the same offence.

The Constitution of the State of New York, Article I., section 10, asserts:

The people of this State, in their right of sover signty, are deemed to possess the original and abec-inte property in and to all lands within the jurisdiction of the State. This is the doctrine held by Jefferson, in-

ersed by Washington, and acted upon by Webster and Buchanan, and that doctrine has en steadily maintained by the Supreme Court of the United States. When President McKinley comes to consider this matter he will find that in the leading case on the subject Pollards Lessee vs. Hagan, 3 Howard, 221-the opinion of the court, and it is an exhaustive one, was delivered by one of his own relatives. Justice McKinley. Speaking for the court, he said: We think a proper examination of this subject will show that the United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory of which Alabama or any of the New States

executed by them to the United States and the trust created by the treaty with the French republic of the 30th of April, 1803, ceding Louisiana. The court went even further than this. Referring to Georgia's cession to the United

were formed, except for temporary purposes, and to

execute the trusts created by the acts of the Virginia

States, It said: And if an express stipulation had been inserted in the agreement granting the municipal jurisdiction sovereignty, or eminent domain to the United States such stipulation would have been void and incpera-tive, because the United States have no Constitutional capacity to exercise municipal jurisdiction, sovereign ty, or eminent domain within the limits of a State of

where, except in the cases in which it is expressly The right to relinquish the territory of the States certainly its not "expressly granted" by the Constitution to the United States. If, then, this Government has no jurisdiction, sovereignty, or right of soil in and to the

sovereignty, or right of soil in and to the territory of a State, how can it agree that in case of an adverse decision of the arbitratora it will relinquish to Great Hritain what it never had itself?

Now, let us see what would be the practical working of this treaty. Suppose it ratified, and that under its provisions a part of the territory of New York has been awarded to Canada by the arbitrators. The United States Government is in honor bound to carry out the award. The British Government proceeds to take possession of the territory. But Article IV. Section 3, of the Constitution provides that "the United States shall protect each State against invasion." The State of New York calls on the United States to obey the Constitution and protect if rom invasion. The British Government calls on it to enforce the treaty.

Is this the sort of dilemma in which the advocates of the treaty wish to place the Government? On the one hand national dishonor, on the other flagrant refusal to obey the Constitution!